

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION Summary of Regularly Scheduled Meeting

Jennifer Casey
Chairwomen

Sarah Lansdale, AICP
DIRECTOR OF PLANNING

Date: April 1, 2020
Time: 2:00 p.m.
Location: ZOOM Video Conference

Due to the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meeting Law, the Suffolk County Planning Commission Meeting will be held electronically via ZOOM. Instead of a public meeting open for the public to attend in person, members of the public may Listen to or log into the video conference. The public was encouraged to send in their statements for the public portion to the address above or email to Planning@suffolkcountyny.gov. The Minutes of the meeting will be posted on the Suffolk County Planning Commission website.

Members Present (13)

Jennifer Casey – Town of Huntington
Adrienne Esposito – Villages Over 5,000
Samuel Chu – Town of Babylon
Rodney Anderson – At Large
Matthew Chartrand – Town of Islip
John Condzella – Town of Riverhead
John Finn – Town of Smithtown
Kevin Gershowitz – At Large
Michael Kaufman – Villages Under 5,000
Michael Kelly – Town of Brookhaven
Errol Kitt – At Large
Thomas McCarthy – Town of Southold
Nicholas Morehead – Town of Shelter Island

Members Not Present (0)

Staff Present (6)

Sarah Lansdale – Director of Planning
Andrew Freleng – Chief Planner
Ted Klein – Principal Planner
John Corral – Environmental Projects Coordinator
Christine DeSalvo – Principal Office Assistant
Brittany Toledano – Assistant County Attorney (Counsel to the Commission)

Call to Order - The Suffolk County Planning Commission meeting of April 1, 2020 was called to order by Chairwoman Jennifer Casey at 2:05 p.m.

The Pledge of Allegiance

Guest Speaker(s)

- **Town of East Hampton, Director of Planning, Joann Pahwul**, mentioned in her presentation that the Moratorium being considered by the Commission is a Town Board initiative and the Board held a preliminary hearing and are looking for preliminary comments, Lisa Liquori, of Dodson & Flinker, Consultant to the Town of East Hampton gave a presentation on the East Hampton Hamlet Studies.
- **Town of Southold, Director of Planning, Heather Lanza**, gave a presentation on the proposed 6 month Moratorium (extension) – “State Route 25/Love Lane Intersection and Surrounding Area” to the Planning Commission and addressed questions from commission members.

Public Portion – No public portion

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **Town of East Hampton, Master Plan for Amagansett’s two main Commercial Districts and Master Plan for Montauk’s two main Commercial Districts**, located in the Town of East Hampton. As part of the Town process of adopting amendments to the Town Comprehensive Plan. The East Hampton Town Board has referred two Hamlet Plans (Amagansett and Montauk) to the Suffolk County Planning Commission. Received on February 24, 2020. The Commission’s jurisdiction is Adoption of Comprehensive Plan amendments - Hamlet Plans

As with prior East Hampton Hamlet plans referred to the Suffolk County Planning Commission the purpose of these initiatives is to better understand and address the potential changes and challenges facing the business areas within the Town. To do that the East Hampton Town Board retained a consulting team to prepare a Hamlet Plan for each of the Town’s 5 planning Areas (School Districts) including Wainscott, East Hampton, Amagansett, Springs and Montauk along with a Town-wide economic business district analysis. The preparation of these detailed studies was recommended in the 2005 Town of East Hampton Comprehensive Plan.

As noted in the referral material to the Suffolk County Planning Commission from the East Hampton Town Board the Planning Process for these hamlet plans was a collaborative process including public charrettes, open Town Board meetings, and several public workshop and hearings on the draft and final plans.

The Amagansett Hamlet Plan focuses on the 2 major commercial areas along Montauk Highway; Amagansett “Center and Amagansett “East” and also provides an inventory and analysis of the entire planning area with regard to historic and cultural resources, demographics, natural resources, environmental challenges, zoning, land use, economy, residential and commercial buildout and transportation and infrastructure. The Plan provides general objectives and an illustrative master plan depicting a vision for how the Amagansett business district could be redeveloped over the coming decades based on the input received during the multiple public workshops.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

- **Town of East Hampton, Master Plan for Amagansett's two main Commercial Districts and Master Plan for Montauk's two main Commercial Districts (continued)**

The Montauk Hamlet Plan report focuses on the 2 major commercial areas referred to as Montauk Downtown and Montauk Harbor but also provides an inventory and analysis on the entire Planning Area with regard to historic and cultural resources, demographics, etc. and has a focus on the Montauk Long Island Rail Road Station and how the Montauk Hamlet could be redeveloped over the coming decades based on the input received during the multiple public workshops.

The staff report recommended approval of the Town of East Hampton Hamlet Plans for Amagansett and Montauk with five (5) comments for their consideration and use by the Town of East Hampton.

After deliberation the Commission resolved to agree with the staff report and approve the Hamlet Plans with five (5) comments.

The motion to approve the Town of East Hampton's Hamlet Studies with the five (5) comments for their consideration and use by the Town of East Hampton was made by Commission member Kelly and seconded by Commission member Finn, vote to Approve; 13 ayes, 0 nays, 0 abstentions.

- **Strong's Yacht Center, Town of Southold,** The application is referred by the Town of Southold, received on February 18, 2020 the Commission's jurisdiction for review is that the application is that it is within 500 feet of Mattituck Creek. Applicants seek Town of Southold Planning Board Site Plan approval for the construction of 101,500 SF of boat storage in two one-story buildings (52,500 SF [Bldg. 1.] and 49,000 SF [Bldg. 2.]) plus associated site "improvements" including grading, storm water drainage, water supply, and sewage disposal. In addition, traditional concrete and evergreen retaining walls, French drains, two locations for dual 2,000 gallon Liquid Propane above ground storage tanks and a six foot high black vinyl clad chain link fence along the top of the proposed evergreen retaining wall is proposed.

Staff deemed the referral to be Incomplete and noted that the referral will not be reviewed until certain information is submitted through the offices of the municipal referring agency:

At the time of Site Plan referral to the Suffolk County Planning Commission a full environmental quality review of the proposal shall be included that has further information pertaining to channel depths at the mouth and course of Mattituck Creek particularly in the off shore location creek-ward of the shoreline of Strong's Yacht Center.

There is inadequate information regarding the typical type and size of boats to be serviced by the "yacht center" as a result of the proposed new boat storage buildings. Future referral material to the Suffolk County Planning Commission with respect to the Suffolk County Administrative Code Article XIV Section A14 - 25 shall include facts as to the maximum beam, draft, weight and length of water craft that will be serviced at the marina after completion of the proposed boat storage buildings.

There is inadequate information regarding the necessity to excavate soils at the subject location of the proposed action. Referral material to the Suffolk County Planning Commission with respect to the Suffolk County Administrative Code Article XIV Section A14-25 shall include an explanation of the need for the proposed elevation of the floor of the boat storage buildings.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

- **Strong's Yacht Center, Town of Southold (continued)**

The Suffolk County Planning Commission would like further clarification on Town of Southold protection of wetland regulations with respect to issues of soil erosion and sedimentation from clearance, grading, excavation or other disturbance of steeply sloped soils to be held by retaining walls on adjacent areas to tidal wetlands.

After deliberation the Commission resolved to generally agree with the staff report and deemed the referral to be incomplete due to lack of information received. A motion was made by Commission member McCarthy and seconded by Commission member Anderson, vote to deem Incomplete; 11 ayes, 1 nays (Gershowitz), 0 abstentions.

- **Town of Southold, Moratorium (extension),** Moratorium (extension) – State Route 25/Love Lane Intersection and Surrounding Area. Received on March 3, 2020 (8/8/2019). The Commission's jurisdiction is Moratorium area is adjacent to NYS Rte. 25. The Southold Town Board has referred to the Suffolk County Planning Commission a "local law in relation to the six (6) month extension of a temporary moratorium on the issuance of approvals and/or permits for the parcels of property in the State Route 25 Love Lane Intersection and surrounding area". This would be the second extension and the third six (6) month period making the total of the three moratoria eighteen (18) months (1.5 yrs.).

Staff indicated that it would appear that the Town overrode or disregarded the Suffolk County Planning Commission resolution. With respect to this Local Law referral, none of the above information has been submitted with this latest request and the language of the Local Law is essentially identical to language in prior iterations of the moratorium.

It is recommended by staff that the proposed Local Law in relation to the six (6) month extension of a temporary moratorium on the issuance of approvals and/or permits for the parcels of property in the State Route 25 Love Lane Intersection and surrounding area" be disapproved. A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of owners to use their property.

After deliberation the Commission resolved to generally agree with the staff report and deemed the referral to be disapproved for three (3) reasons and a recommendation for more information was recommended. A motion was made by Commission member Finn, and seconded by Commission member Kaufman. Vote to disapprove, 10 ayes, 1 recusal (McCarthy),

- **Meeting Adjourned**

The motion to adjourn the meeting was made by Commission member Kaufman, seconded by Commission member McCarthy; and approved unanimously.